

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

WALSH SECURITIES, INC.,

Plaintiff,

V.

CRISTO PROPERTY MANAGEMENT, LTD., a/k/a :
G.J.L. LIMITED; DEK HOMES OF NEW JERSEY, INC.; :
OAKWOOD PROPERTIES, INC.; NATIONAL HOME :
FUNDING, INC.; CAPITAL ASSETS PROPERTY :
MANAGEMENT & INVESTMENT CO., INC.; CAPITAL :
ASSETS PROPERTY MANAGEMENT, LLC; WILLIAM :
KANE; GARY GRIESER; ROBERT SKOWRENSKI, II; :
RICHARD CALANNI; RICHARD DiBENEDETTO; :
JAMES R. BROWN; THOMAS BRODO; ROLAND :
PIERSON; STANLEY YACKER, ESQ.; MICHAEL :
ALFIERI, ESQ.; RICHARD PEPSNY, ESQ.; ANTHONY :
M. CICALESE, ESQ.; LAWRENCE CUZZI; ANTHONY :
D'APOLITO; DAP CONSULTING, INC.; :
COMMONWEALTH LAND TITLE INSURANCE CO.; :
NATIONS TITLE INSURANCE OF NEW YORK, INC.; :
FIDELITY NATIONAL TITLE INSURANCE CO. OF :
NEW YORK; COASTAL TITLE AGENCY; STEWART :
TITLE GUARANTY COMPANY; IRENE DiFEO; :
DONNA PEPSNY; WEICHERT REALTORS; and :
VECCHIO REALTY, INC., d/b/a MURPHY REALTY :
BETTER HOMES AND GARDENS, :

Defendants.

Judge Dickinson R. Debevoise
Magistrate Judge Michael A. Shipp

No. 97-3496 (DRD)(MAS)

ORDER GRANTING PARTIAL SUMMARY JUDGMENT ON MERGER/DIMINUTION IN VALUE CLAIM

THIS MATTER having been opened to the Court by McCarter & English, LLP, attorneys for Defendant Commonwealth Land Title Insurance Company (“Commonwealth”), seeking an Order granting partial summary judgment dismissing Plaintiff Walsh Securities, Inc.’s claims for damages resulting from loss of merger and for Plaintiff’s own diminution in value; which Motion was joined by Fidelity National Title Insurance Co. of New York and Nations Title Insurance of New York, Inc., and the Court having considered the papers submitted in support of and in opposition to the Motion; and good cause appearing;

IT IS on this _____ day of _____, 2012,

ORDERED that the motion for partial summary judgment be and hereby is granted; and it is further

ORDERED that Plaintiff Walsh Securities, Inc., is not entitled to recover damages from Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Co. of New York and/or Nations Title Insurance of New York, Inc. resulting from the loss of its merger with Resource Bancshares Mortgage Group, Inc. or for Walsh Securities, Inc.'s own diminution in value; and it is further

ORDERED that all claims within the Complaint seeking damages from Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Co. of New York and/or Nations Title Insurance of New York, Inc. based on the failed merger between Walsh Securities, Inc. and Resource Bancshares Mortgage Group, Inc. and for Walsh Securities, Inc.'s own diminution in value be and hereby are dismissed with prejudice and without costs.

Hon. Dickinson R. Debevoise, U.S.D.J.